

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244**

CASE NO.: SC01-2670

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**MOTION FOR APPOINTMENT OF COMMISSIONER TO TAKE DEPOSITIONS
OUT OF STATE AND AUTHORIZING ISSUANCE OF SUBPOENAS**

Pursuant to Florida Judicial Qualifications Commission Rule 12(a) and Florida Rules of Civil Procedure 1.280(a), 1.300, and 1.310, Respondent hereby moves for an entry of an Order authorizing Associated Reporting Services, Inc., as a Commissioner to administer oaths and take deposition testimony in the State of Kentucky, and authorizing Constable Joyce Clater to have a subpoena issued and served for said deposition, and would show as follows:

The proposed deponents are Bonnie Sue Barr and Daniel Meagher (the “Deponents”). The Deponents reside in Kentucky and have knowledge of facts material and relevant to this action.

1. Deponents live outside the State of Florida and cannot be subpoenaed for trial. Accordingly, the only way to present testimony before the Florida Court is by deposition.
2. Associated Reporting Services, Inc. are certified court reporters and notaries public, who are authorized to take oaths and depositions with the State of Kentucky.
3. Constable Joyce Clater is authorized to serve process in the State of Kentucky.

4. To obtain the subpoenas under Kentucky law, Respondent must provide the Kentucky clerk with, among other things, certified copies of an order directing that a commission issue and a duly issued commission.

WHEREFORE, Respondent respectfully moves for an order appointing a commissioner and directing that a commission issue.

Respectfully submitted,

ROBERT W. MERKLE, ESQ.

Florida Bar Number: 138183

MERKLE & MAGRI, P.A.

5510 West LaSalle Street

Tampa, Florida 33607

Telephone: (813) 281-9000

Facsimile: (813) 281-2223

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile and U.S. Mail to: **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32302; **John S. Mills, Esq.**, Special Counsel, Foley & Laudner, 200 Laura Street, Jacksonville, Florida 32201-0240; **Brooke S. Kennerly**,

Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, this _____ day of June, 2002.

ROBERT W. MERKLE, ESQ.